

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXEMPTIONS TO MEAT ESTABLISHMENT
5 LICENSING; PROVIDING FOR LOCAL RETAIL MEAT ESTABLISHMENTS; PROVIDING A DEFINITION; AND
6 AMENDING SECTIONS 81-9-217 AND 81-9-218, MCA."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **Section 1.** Section 81-9-217, MCA, is amended to read:

11 **"81-9-217. Definitions.** As used in 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236, the
12 following definitions apply:

13 (1) "Adulterated" means the term applied to meat if:

14 (a) it bears or contains a poisonous or deleterious substance that may render it injurious to health,
15 except that if the substance is not an added substance, the product may not be considered adulterated if the
16 quantity of the substance is insufficient to ordinarily render it injurious to health;

17 (b) it bears or contains, by reason of administration of any substance to the meat, an added
18 poisonous or added deleterious substance other than a color additive, a food additive, or a pesticide chemical
19 in or on a raw agricultural commodity, any of which may in the board's judgment make the meat unfit for human
20 food;

21 (c) it is in whole or in part a raw agricultural commodity and bears or contains a pesticide chemical
22 that is unsafe as provided in the Federal Food, Drug and Cosmetic Act;

23 (d) it bears or contains a food additive that is unsafe as provided in the Federal Food, Drug and
24 Cosmetic Act;

25 (e) it bears or contains a color additive that is unsafe as provided in the Federal Food, Drug and
26 Cosmetic Act; however, the meat that is not otherwise considered adulterated under subsection (1)(c), (1)(d), or
27 (1)(e) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the
28 article is prohibited by rule of the board;

(f) it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(g) it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth or rendered injurious to health;

(h) it is in whole or in part the product of an animal, including poultry, that has died otherwise than by slaughter;

(i) its container is composed in whole or in part of any poisonous or deleterious substance that may render the contents injurious to health;

(j) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to 21 U.S.C. 348; or

(k) any valuable constituent has been in whole or in part omitted or abstracted from the meat, any substance has been substituted wholly or in part for meat, damage or inferiority has been concealed in any manner, or any substance has been added to it or mixed or packed with it so as to increase its bulk or weight or make it appear better or of greater value than it is.

(2) "Cell-cultured edible product" means the concept of meat, including but not limited to muscle cells, fat cells, connective tissue, blood, and other components produced via cell culture, rather than from a whole slaughtered animal.

(3) "Chief" means the chief meat inspector appointed as provided in 81-9-226.

(4) "Federal Food, Drug and Cosmetic Act" means 21 U.S.C. 301 through 392, as that law read on October 1, 1987.

(5) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules or other equines, and alternative livestock, as defined in 87-4-406, whether alive or dead.

(6) "Livestock product" or "poultry product" means a product capable of use as human food that is wholly or partially made from meat and is not specifically exempted by rule of the board.

(7) "Local retail meat establishment" means a commercial establishment at which meat or meat products processed by a person subject to 81-9-218(1)(d) are displayed for sale or provision to the public, with or without charge.

~~(7)~~(8) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry

1 products. This term does not include cell-cultured edible products as defined in this section.

2 ~~(8)~~(9) "Misbranded" means the term applied to meat:

3 (a) if its labeling is false or misleading in any particular;

4 (b) if it is offered for sale under the name of another food;

5 (c) if it is not entirely derived from the edible flesh of livestock or poultry or livestock and poultry
6 products. A cell-cultured edible product derived from meat muscle cells, fat cells, connective tissue, blood, or
7 other meat components is not considered to be misbranded if it is labeled in accordance with 50-31-103 to
8 indicate it is derived from those cells, tissues, blood, or components.

9 (d) if it is an imitation of a meat product, unless its label bears, in type of uniform size and
10 prominence, the word "imitation" and immediately thereafter the name of the food being imitated;

11 (e) if its container is so made, formed, or filled as to be misleading;

12 (f) if it does not bear a label showing:

13 (i) the name and place of business of the manufacturer, packer, or distributor; and

14 (ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical
15 count. The board may adopt rules exempting small meat packages, meat not in containers, and other
16 reasonable variations.

17 (g) if any word, statement, or other information required by 81-9-216 through 81-9-220 and 81-9-
18 226 through 81-9-236 to appear on the label is not prominently placed on the label, as compared with other
19 words, statements, designs, or devices in the labeling, and is not stated in terms that render it likely to be read
20 and understood by the ordinary individual under customary conditions of purchase and use;

21 (h) if it is represented as a food for which a definition and standard of identity or composition has
22 been prescribed by the rules of the board, unless:

23 (i) it conforms to the definition and standard; and

24 (ii) its label bears the name of the food specified in the definition and standard and, if required by
25 the rules, the common names of optional ingredients present in the food, other than spices, flavoring, and
26 coloring;

27 (i) if it is represented as a food for which a standard of fill of container has been prescribed by
28 rules of the board and it falls below the standard of fill of container applicable to the food, unless its label bears,

1 in the manner and form that the rules specify, a statement that it falls below the standard;

2 (j) if it is not subject to the provisions of subsection ~~(8)~~ (9)(h), unless its label bears:

3 (i) the common or usual name of the food, if any; and

4 (ii) in case it is fabricated from two or more ingredients, the common or usual name of each
5 ingredient, except that spices, flavorings, and colorings may, when authorized by the board, be designated as
6 spices, flavorings, and colorings without naming each. To the extent that compliance with the requirements of
7 this subsection ~~(8)(i)(ii)~~ (9)(i)(ii) is impracticable or results in deception or unfair competition, exemptions must
8 be established by rules promulgated by the board.

9 (k) if it purports to be for special dietary uses, unless its label bears information concerning its
10 vitamin, mineral, and other dietary properties as the board, after consultation with the U.S. secretary of
11 agriculture, by rule prescribes as necessary in order to fully inform purchasers as to its value for those uses;

12 (l) if it bears or contains an artificial flavoring, artificial coloring, or chemical preservative, unless it
13 bears labeling stating that fact, provided that to the extent that compliance with the requirements of this
14 subsection ~~(8)(l)~~ (9)(l) is impracticable, exemptions must be established by rules promulgated by the board; or

15 (m) if it fails to bear directly on the meat and on its containers, as the board may by rule prescribe,
16 the official inspection legend and establishment number of the establishment where the product was prepared
17 and other information that the board may require to ensure that it will not have false or misleading labeling and
18 that the public will be informed of the manner of handling required to maintain the meat in a wholesome
19 condition.

20 ~~(9)(10)~~ (a) "Mobile slaughter facility" means a mobile unit that is operated by a person licensed by the
21 board to slaughter livestock or poultry, that is capable of providing onsite slaughter services for the owner of the
22 livestock or poultry, and at which inspection of the slaughter of livestock or poultry or the preparation of meat
23 food products is regulated under 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236.

24 (b) The term does not mean a person engaged in custom slaughtering as provided in 81-9-218(2).

25 ~~(40)(11)~~ "Official establishment" means an establishment licensed by the board at which inspection of
26 the slaughter of livestock or poultry or the preparation of meat food products is maintained under 81-9-216
27 through 81-9-220 and 81-9-226 through 81-9-236. The term includes a mobile slaughter facility.

28 ~~(44)(12)~~ "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" have

1 the same meanings as provided in 21 U.S.C. 321.

2 ~~(12)~~(13) "Poultry" means any domesticated bird, whether alive or dead.

3 ~~(13)~~(14) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise
4 manufactured or processed."

5

6 **Section 2.** Section 81-9-218, MCA, is amended to read:

7 **"81-9-218. Exemptions.** (1) The following persons are exempt from 81-9-201, 81-9-216 through 81-9-
8 220, and 81-9-226 through 81-9-236:

9 (a) a person who slaughters livestock or poultry or prepares or processes livestock or poultry
10 products for the person's own personal or household use;

11 (b) a person who transports dead, dying, or diseased animals or poultry for the purpose of
12 treatment, burial, or disposal in a manner that would prevent the carcasses from being used as human food;
13 and

14 (c) a producer as defined in 50-49-202 who sells homemade food or slaughters fewer than 1,000
15 poultry birds a year pursuant to 50-49-303 except that the producer is subject to the requirements of 9 CFR
16 381.10(c) and the recordkeeping requirements of 9 CFR 381.175; and

17 (d) a person who slaughters livestock or poultry or prepares or processes livestock or poultry
18 products for an individual or a local retail meat establishment, if the carcasses, parts, or meat food products
19 prepared for sale are:

20 (i) plainly labeled "Local Montana Product" immediately after being slaughtered or prepared and
21 remain plainly labeled;

22 (ii) prepared and packaged in a sanitary manner and in a sanitary facility; and

23 (iii) solely for distribution within the state.

24 (2) A person engaged in the custom slaughtering of livestock or poultry delivered by the owner for
25 custom slaughter or a person engaged in the preparation of the carcasses and parts and meat food products of
26 the livestock or poultry when slaughtered or prepared for ~~exclusive use in the owner's household by the owner~~
27 or members of the owner's household or the owner's nonpaying guests or employees is exempt from 81-9-216
28 through 81-9-220 and 81-9-226 through 81-9-236 if the carcasses, parts, or meat food products or containers of

1 the articles are:

2 (a) kept separate from carcasses, parts, or meat food products prepared for sale;

3 (b) plainly ~~marked "Not for Sale"~~ labeled "Local Montana Product" immediately after being

4 slaughtered or prepared and remain plainly ~~marked~~ labeled until delivered to the owner; and

5 (c) prepared and packaged in a sanitary manner and in a sanitary facility."

6 - END -